

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

VINCE FLOOK, III, et al)	
)	
Plaintiffs,)	
)	
v.)	Case No.: C-10-CV-22-000437
)	
FREDERICK COUNTY PUBLIC)	
SCHOOL SYSTEM, et al.)	
)	
Defendants.)	

ANSWER TO COMPLAINT

COMES NOW, Defendants, Frederick County Public School System, Frederick County Board of Education, Middletown High School, Frederick High School, Oakdale High School, Bernard Quesada, Eric Schwarzenegger, Dr. Daniel Lippy, Jaime Aliveto, Michael DeSimone, Theresa R. Alban, E.J. Wallace, Bill Stoops, and Kevin Kendro, by and through Counsel, Scott M. Hartinger, Esquire, and Ethridge, Quinn, Kemp, Rowan & Hartinger, and in response to Plaintiffs' Complaint, states:

Defenses pursuant to Maryland Rule 2-222

- (1) lack of jurisdiction over the subject matter
- (2) failure to state a claim upon which relief can be granted
- (3) failure to join a party under Rule 2-211
- (4) governmental immunity

Defenses pursuant to Maryland Rule 2-323(f)

- (1) Legal existence for purposes of suit of Frederick County Public School System, Middletown High School, Frederick High School, Oakdale High School
- (2) Capacity to sue of Plaintiffs Vince Flook II, Allison Flook and Jacob F.
- (3) Capacity to be sued of Frederick County Public School System, Middletown High

School, Frederick High School, Oakdale High School

- (4) Authority to sue of Plaintiffs Vince Flook II, Allison Flook and Jacob F.
- (5) Authority to be sued in a representative capacity of Frederick County Public School System, Middletown High School, Frederick High School, Oakdale High School, Bernard Quesada, Eric Schwarzenegger, Dr. Daniel Lippy, Jaime Aliveto, Michael DeSimone, Theresa R. Alban, E.J. Wallace, Bill Stoops, and Kevin Kendro

Defenses pursuant to Maryland Rule 2-323(g)

- (1) accord and satisfaction
- (2) merger of a claim by arbitration into an award
- (3) assumption of risk
- (4) collateral estoppel as a defense to a claim
- (5) contributory negligence
- (6) estoppel
- (7) fraud
- (8) illegality
- (9) laches
- (10) release
- (11) res judicata
- (12) statute of limitations
- (13) Waiver
- (14) Privilege
- (15) Governmental/sovereign immunity

Additional Defenses and/or responses:


- (1) That with regard to the specific allegations contained within the Complaint not previously admitted or denied, Defendants generally deny all of the allegations pursuant to Maryland Rule 2-323(d).
- (2) Unclean Hands
- (3) Standing to sue of Plaintiffs Vince Flook II, Allison Flook and Jacob F.

WHEREFORE, the Complaint having been answered, it is respectfully requested that:

- A. The Complaint be dismissed with prejudice;
- B. For such other and further relief as the Court deems proper.

Respectfully submitted,

ETHRIDGE, QUINN, KEMP,
ROWAN & HARTINGER

By 
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JURY TRIAL DEMAND

Request is hereby made for trial by jury on all issues.


Scott M. Hartinger

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served via MDEC on this 19th day of September, 2022, to:

Loyd Byron Hopkins, Esquire
Loyd B. Hopkins, P.C.
51 Monroe Place, Suite 707
Rockville, Maryland 20850


Scott M. Hartinger